

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

MICHAEL P. and SHELLIE GILMOR,)
et al.,)

Plaintiffs,)

vs.)

PREFERRED CREDIT CORP., et al.,)

Defendants.)

Case No. 10-0189-CV-W-ODS

ORDER ADDRESSING DISCOVERY

Earlier today, the Court participated in a telephone conference with attorneys representing Plaintiffs, Defendant Countrywide Home Loans (“Countrywide”), and non-party Household Realty Corporation (“Household”). The subject of the conference was a subpoena Plaintiffs issued to Household designed to obtain information from the loan file of Jerry and Golda Washington. The Washingtons took out a loan from Countrywide, and the loan was subsequently sold to Household. Plaintiffs issued a subpoena for the “fee chart” prepared and used by Countrywide when it initially made the loan.

Countrywide’s fee chart was the subject of an earlier discovery dispute between Plaintiffs and Countrywide. On March 31, 2011, the Court directed Countrywide to produce a copy of its fee chart. That Order is the subject of a Motion for Reconsideration that has not yet been fully briefed; the primary issue raised in the motion is that the fee chart is privileged.

The issues surrounding Plaintiffs’ subpoena to Household are intertwined with the issues raised in Countrywide’s motion for reconsideration. The prudent course is to wait until the motion is fully briefed, then resolve all of these issues together. Plaintiffs’ deadline for responding to the motion is May 13, 2011, and that deadline remains unchanged. Countrywide will have until and including May 18, 2011, to file Reply

Suggestions. In the meantime, Household is directed to retain the Washington file as it is pending further order of the Court.

The Clerk of Court is directed to mail a copy of this Order to:

Todd Ruskamp
2555 Grand Boulevard
Kansas City, MO 64108-2613

IT IS SO ORDERED.

DATE: May 11, 2011

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT